

AMENDED IN SENATE APRIL 19, 2012

SENATE BILL

No. 1469

Introduced by Senator Runner

February 24, 2012

An act to amend Section 396 of the Welfare and Institutions 51225.3 of, and to add Section 51225.1 to, the Education Code, relating to juveniles high school graduation requirements.

LEGISLATIVE COUNSEL'S DIGEST

SB 1469, as amended, Runner. ~~Juveniles: dependent children. Graduation requirements: pupils in foster care.~~

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements. Existing law requires a school district to exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would instead require a school district to exempt a pupil from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements unless the school district makes a finding that

the pupil is reasonably able to complete the requirements in time to graduate from high school by the end of the pupil's 4th year of high school. The bill would make the exemption from local graduation requirements applicable only to a pupil who transfers between schools during or after the pupil's 3rd year of high school and who is currently in foster care or, at the time of transfer, was in foster care. The bill would allow either the number of credits the pupil has earned to date or the length of the pupil's school enrollment to be used to determine whether a pupil is in the 3rd year of high school, whichever would qualify the pupil for the exemption. The bill would require the school district to notify a pupil who may qualify for the exemption and the person holding the right to make educational decisions for the pupil and inform them of whether or not the pupil qualifies for the exemption. The bill would require the notification to be made within 30 days of the pupil's transfer. If the adult holding the right to make educational decisions for the pupil, in consultation with the pupil, decides at any time or if the pupil decides at any time that it is not in the pupil's best interest to be exempted from local graduation requirements, the bill would prohibit the school district from exempting the pupil. The bill would prohibit a school or school district from requiring or requesting that the pupil graduate before the end of his or her 4th year of high school if a pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school.

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides that a minor may be removed from the physical custody of his or her parents if there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage and there are no reasonable means to protect the child without removing him or her. When a minor is removed from the physical~~

custody of his or her parents in dependency proceedings, existing law generally requires that reunification services be provided to a minor and his or her family. Existing law also provides that it is the policy of the Legislature that family reunification, adoption, or guardianship is preferable to long-term foster care placement and that children should not be moved between foster homes until they reach the age of majority.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51225.1 is added to the Education Code,
2 to read:
3 51225.1. (a) (1) The exemption from local graduation
4 requirements provided by this section applies only to a pupil who
5 meets both of the following criteria:
6 (A) The pupil transfers between schools during or after the
7 pupil's third year of high school.
8 (B) The pupil is currently in foster care or, at the time of
9 transfer, was in foster care.
10 (2) To determine whether a pupil is in the third year of high
11 school, either the number of credits the pupil has earned to date
12 or the length of the pupil's school enrollment may be used,
13 whichever will qualify the pupil for the exemption.
14 (b) (1) Notwithstanding any other law, a school district shall
15 exempt a pupil from all coursework and other requirements
16 adopted by the governing board of the school district that are in
17 addition to the statewide coursework requirements specified in
18 Section 51225.3 unless the school district makes a finding that the
19 pupil is reasonably able to complete the requirements in time to
20 graduate from high school by the end of the pupil's fourth year of
21 high school.
22 (2) If the adult holding the right to make educational decisions
23 for the pupil, in consultation with the pupil, decides at any time
24 or if the pupil decides at any time that it is not in the pupil's best
25 interest to be exempted from local graduation requirements, the
26 school district shall not exempt the pupil from those requirements.

1 (c) Within 30 days of the date that a pupil who may qualify for
2 the exemption from local graduation requirements pursuant to this
3 section transfers into a school, the school district shall notify the
4 pupil and the adult holding the right to make educational decisions
5 for the pupil of the availability of the exemption and shall inform
6 the pupil and the adult holding the right to make educational
7 decisions for the pupil that the pupil qualifies or does not qualify
8 for an exemption.

9 (d) (1) If a pupil is not exempted from local graduation
10 requirements pursuant to this section, a school district shall exempt
11 the pupil at any time if an exemption is requested and the pupil
12 qualifies for the exemption.

13 (2) If a pupil has been exempted from local graduation
14 requirements pursuant to this section, a school district shall not
15 revoke the exemption unless the pupil or the adult holding the right
16 to make educational decisions for the pupil, in consultation with
17 the pupil, requests the revocation.

18 (e) If a pupil is exempted from local graduation requirements
19 pursuant to this section and completes the statewide coursework
20 requirements specified in Section 51225.3 before the end of his or
21 her fourth year in high school and that pupil would otherwise be
22 entitled to remain in attendance at the school, a school or school
23 district shall not require or request that the pupil graduate before
24 the end of his or her fourth year of high school.

25 (f) If a pupil is exempted from local graduation requirements
26 pursuant to this section, the school district shall notify the pupil
27 and the adult holding the right to make educational decisions for
28 the pupil, whether and how any of the requirements that are waived
29 will affect the pupil's ability to gain admission to a postsecondary
30 educational institution and shall provide information about transfer
31 opportunities available through the California Community
32 Colleges.

33 SEC. 2. Section 51225.3 of the Education Code, as amended
34 by Section 3 of Chapter 621 of the Statutes of 2011, is amended
35 to read:

36 51225.3. (a) A pupil shall complete all of the following while
37 in grades 9 to 12, inclusive, in order to receive a diploma of
38 graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts, foreign language, or, commencing with the 2012–13 school year, career technical education.

(i) For purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(ii) For purposes of this subparagraph, “a course in career technical education” means a course in a district-operated career technical education program that is aligned to the career technical model curriculum standards and framework adopted by the state board, including courses through a regional occupational center or program operated by a county superintendent of schools or pursuant to a joint powers agreement.

(iii) This subparagraph does not require a school or school district that currently does not offer career technical education courses to start new career technical education programs for purposes of this section.

(iv) If a school district or county office of education elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the governing board of the school district or county office of education, ~~prior to~~ *before* offering that alternative to pupils, shall notify parents, teachers, pupils, and the public at a regularly scheduled meeting of the governing board of all of the following:

(I) The intent to offer career technical education courses to fulfill the graduation requirement specified in this subparagraph.

(II) The impact that offering career technical education courses, pursuant to this subparagraph, will have on the availability of courses that meet the eligibility requirements for admission to the

1 California State University and the University of California, and
2 whether the career technical education courses to be offered
3 pursuant to this subparagraph are approved to satisfy those
4 eligibility requirements. If a school district elects to allow a career
5 technical education course to satisfy the requirement imposed by
6 this subparagraph, the school district shall comply with subdivision
7 (m) of Section 48980.

8 (III) The distinction, if any, between the high school graduation
9 requirements of the school district or county office of education,
10 and the eligibility requirements for admission to the California
11 State University and the University of California.

12 (F) Two courses in physical education, unless the pupil has been
13 exempted pursuant to the provisions of this code.

14 (2) Other coursework requirements adopted by the governing
15 board of the school district.

16 (b) The governing board, with the active involvement of parents,
17 administrators, teachers, and pupils, shall adopt alternative means
18 for pupils to complete the prescribed course of study that may
19 include practical demonstration of skills and competencies,
20 supervised work experience or other outside school experience,
21 career technical education classes offered in high schools, courses
22 offered by regional occupational centers or programs,
23 interdisciplinary study, independent study, and credit earned at a
24 postsecondary institution. Requirements for graduation and
25 specified alternative modes for completing the prescribed course
26 of study shall be made available to pupils, parents, and the public.

27 ~~(e) Notwithstanding any other law, a school district shall exempt~~
28 ~~a pupil in foster care from all coursework and other requirements~~
29 ~~adopted by the governing board of the district that are in addition~~
30 ~~to the statewide coursework requirements specified in this section~~
31 ~~if the pupil, while he or she is in grade 11 or 12, transfers into the~~
32 ~~district from another school district or between high schools within~~
33 ~~the district, unless the district makes a finding that the pupil is~~
34 ~~reasonably able to complete the additional requirements in time~~
35 ~~to graduate from high school while he or she remains eligible for~~
36 ~~foster care benefits pursuant to state law. A school district shall~~
37 ~~notify a pupil in foster care who is granted an exemption pursuant~~
38 ~~to this subdivision, and, as appropriate, the person holding the~~
39 ~~right to make educational decisions for the pupil, if any of the~~
40 ~~requirements that are waived will affect the pupil's ability to gain~~

1 ~~admission to a postsecondary educational institution and shall~~
2 ~~provide information about transfer opportunities available through~~
3 ~~the California Community Colleges.~~

4 ~~(d)~~

5 (c) On or before July 1, 2017, the department shall submit a
6 comprehensive report to the appropriate policy committees of the
7 Legislature on the addition of career technical education courses
8 to satisfy the requirement specified in subparagraph (E) of
9 paragraph (1) of subdivision (a), including, but not limited to, the
10 following information:

11 (1) A comparison of the pupil enrollment in career technical
12 education courses, foreign language courses, and visual and
13 performing arts courses for the 2005–06 to 2011–12 school years,
14 inclusive, to the pupil enrollment in career technical education
15 courses, foreign language courses, and visual and performing arts
16 courses for the 2012–13 to 2016–17 school years, inclusive.

17 (2) The reasons, reported by school districts, that pupils give
18 for choosing to enroll in a career technical education course to
19 satisfy the requirement specified in subparagraph (E) of paragraph
20 (1) of subdivision (a).

21 (3) The type and number of career technical education courses
22 that were conducted for the 2005–06 to 2011–12 school years,
23 inclusive, compared to the type and number of career technical
24 education courses that were conducted for the 2012–13 to 2016–17
25 school years, inclusive.

26 (4) The number of career technical education courses that
27 satisfied the subject matter requirements for admission to the
28 University of California or the California State University.

29 (5) The extent to which the career technical education courses
30 chosen by pupils are aligned with the California Career Technical
31 Education Standards, and prepare pupils for employment, advanced
32 training, and postsecondary education.

33 (6) The number of career technical education courses that also
34 satisfy the visual and performing arts requirement, and the number
35 of career technical education courses that also satisfy the foreign
36 language requirement.

37 (7) Annual pupil dropout and graduation rates for the 2011–12
38 to 2014–15 school years, inclusive.

39 ~~(e)~~

1 (d) For purposes of completing the report described in
2 subdivision~~(d)~~ (c), the Superintendent may use existing state
3 resources and federal funds. If state or federal funds are not
4 available or sufficient, the Superintendent may apply for and accept
5 grants, and receive donations and other financial support from
6 public or private sources for purposes of this section.

7 ~~(f)~~

8 (e) For purposes of completing the report described in
9 subdivision~~(d)~~ (c), the Superintendent may accept support,
10 including, but not limited to, financial and technical support, from
11 high school reform advocates, teachers, chamber organizations,
12 industry representatives, research centers, parents, and pupils.

13 ~~(g)~~

14 (f) This section shall become inoperative on the earlier of the
15 following two dates:

16 (1) On July 1, immediately following the first fiscal year after
17 the enactment of the act that adds this paragraph in which the
18 number of career technical education courses that, as determined
19 by the department, satisfy the foreign language requirement for
20 admission to the California State University and the University of
21 California is at least twice the number of career technical education
22 courses that meet these admission requirements as of January 1,
23 2012. This section shall be repealed on the following January 1,
24 unless a later enacted statute, that becomes operative on or before
25 that date, deletes or extends the dates on which it becomes
26 inoperative and is repealed. It is the intent of the Legislature that
27 new career technical education courses that satisfy the foreign
28 language requirement for admission to the California State
29 University and the University of California focus on world
30 languages aligned with career preparation, emphasizing real-world
31 application and technical content in related career and technical
32 education courses.

33 (2) On July 1, 2017, and, as of January 1, 2018, is repealed,
34 unless a later enacted statute, that becomes operative on or before
35 January 1, 2018, deletes or extends the dates on which it becomes
36 inoperative and is repealed.

37 *SEC. 3. Section 51225.3 of the Education Code, as added by*
38 *Section 4 of Chapter 621 of the Statutes of 2011, is amended to*
39 *read:*

1 51225.3. (a) A pupil shall complete all of the following while
2 in grades 9 to 12, inclusive, in order to receive a diploma of
3 graduation from high school:

4 (1) At least the following numbers of courses in the subjects
5 specified, each course having a duration of one year, unless
6 otherwise specified:

7 (A) Three courses in English.

8 (B) Two courses in mathematics.

9 (C) Two courses in science, including biological and physical
10 sciences.

11 (D) Three courses in social studies, including United States
12 history and geography; world history, culture, and geography; a
13 one-semester course in American government and civics; and a
14 one-semester course in economics.

15 (E) One course in visual or performing arts or foreign language.
16 For purposes of satisfying the requirement specified in this
17 subparagraph, a course in American Sign Language shall be
18 deemed a course in foreign language.

19 (F) Two courses in physical education, unless the pupil has been
20 exempted pursuant to the provisions of this code.

21 (2) Other coursework requirements adopted by the governing
22 board of the school district.

23 (b) The governing board, with the active involvement of parents,
24 administrators, teachers, and pupils, shall adopt alternative means
25 for pupils to complete the prescribed course of study that may
26 include practical demonstration of skills and competencies,
27 supervised work experience or other outside school experience,
28 career technical education classes offered in high schools, courses
29 offered by regional occupational centers or programs,
30 interdisciplinary study, independent study, and credit earned at a
31 postsecondary institution. Requirements for graduation and
32 specified alternative modes for completing the prescribed course
33 of study shall be made available to pupils, parents, and the public.

34 ~~(c) Notwithstanding any other law, a school district shall exempt~~
35 ~~a pupil in foster care from all coursework and other requirements~~
36 ~~adopted by the governing board of the district that are in addition~~
37 ~~to the statewide coursework requirements specified in this section~~
38 ~~if the pupil, while he or she is in grade 11 or 12, transfers into the~~
39 ~~district from another school district or between high schools within~~
40 ~~the district, unless the district makes a finding that the pupil is~~

1 reasonably able to complete the additional requirements in time
2 to graduate from high school while he or she remains eligible for
3 foster care benefits pursuant to state law. A school district shall
4 notify a pupil in foster care who is granted an exemption pursuant
5 to this subdivision, and, as appropriate, the person holding the
6 right to make educational decisions for the pupil, if any of the
7 requirements that are waived will affect the pupil's ability to gain
8 admission to a postsecondary educational institution and shall
9 provide information about transfer opportunities available through
10 the California Community Colleges.

11 (d)

12 (c) If a pupil completed a career technical education course that
13 met the requirements of subparagraph (E) of paragraph (1) of
14 subdivision (a) of Section 51225.3, as amended by the act adding
15 this section, prior to before the inoperative date of that section,
16 that course shall be deemed to fulfill the requirements of
17 subparagraph (E) of paragraph (1) of subdivision (a) of this section.

18 (e)

19 (d) This section shall become operative upon the date that
20 Section 51225.3, as amended by the act adding this section,
21 becomes inoperative.

22 SEC. 4. *If the Commission on State Mandates determines that*
23 *this act contains costs mandated by the state, reimbursement to*
24 *local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*

27 SECTION 1. ~~Section 396 of the Welfare and Institutions Code~~
28 ~~is amended to read:~~

29 396. It is the policy of the Legislature that:

30 (a) ~~Foster care should be a temporary method of care for the~~
31 ~~children of this state.~~

32 (b) ~~Children have a right to a normal home life free from abuse.~~

33 (c) ~~Reunification with the natural parent or parents or another~~
34 ~~alternate permanent living situation such as adoption or~~
35 ~~guardianship is more suitable to a child's well-being than is foster~~
36 ~~care.~~

37 (d) ~~This state has a responsibility to attempt to ensure that~~
38 ~~children are given the chance to have happy and healthy lives.~~

1 ~~(e) To the extent possible, the current practice of moving~~
2 ~~children receiving foster care services from one foster home to~~
3 ~~another until they reach the age of majority should be discontinued.~~

O